

JAN 06 2020



United States Department of the Interior



FISH AND WILDLIFE SERVICE

176 Croghan Spur Road, Suite 200
Charleston, South Carolina 29407

January 6, 2020

Lt. Colonel Rachel A. Honderd
District Engineer
US Army Corps of Engineers
69A Hagood Avenue.
Charleston, SC 29403-5107

Attn: Mary Hope Green

Re: P/N SAC-2016-01087, American Mortgage Investment
Berkeley County, South Carolina
FWS Log No. 2020-CPA-0017

Dear Colonel Honderd:

The U.S. Fish and Wildlife Service (Service) has reviewed the above-referenced public notice dated December 13, 2019. The American Mortgage and Investment Company has requested a Department of the Army (Department) permit pursuant to sections 401 and 404 of the Clean Water Act (33 U.S.C 1344) and the Coastal Zone Management Act (48-39-10 *et seq.*) to place fill in wetlands in Berkeley County, South Carolina. This report is submitted in accordance with provisions of the Fish and Wildlife Coordination Act (48 Stat. 401, as amended; 16 U.S.C. 661 *et seq.*) and section 7 of the Endangered Species Act, as amended (16 U.S.C. 1531 *et seq.*) (ESA). This report is also to serve as official comments to the South Carolina Department of Health and Environmental Control.

The proposed project consists of placing fill material in and excavating 8.71 acres of freshwater wetlands and streams for a residential development, associated infrastructure, utilities, and storm water management features. The applicant has proposed to mitigate for impacts to wetlands with a Permittee-Responsible Mitigation plan (PRM). The PRM is to preserve the remaining, non-impacted wetlands and streams onsite (approximately 14 acres). In addition, approximately 79 acres of wetlands and streams are to be preserved on an adjacent parcel of property. The project purpose is to construct a residential development in the Town of Monck Corner.

The Department determined that the proposed project may affect, but is not likely to adversely affect species protected by the ESA. The Service concurs with your determination. Please note that obligations under section 7 of the ESA must be reconsidered if: (1) new information reveals impacts of this identified action that may affect listed species or critical habitat in a manner not previously considered, (2) this action is subsequently modified in a manner which was not

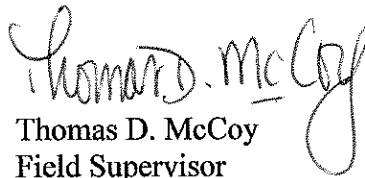
considered in this assessment; or (3) a new species is listed or critical habitat is determined that may be affected by the identified action.

The Service objects to the preservation only PRM submitted by the applicant, particularly the proposed preservation of wetlands within the proposed development itself. The PRM does not comply with the Department's approved Standard Operating Procedures (SOP) for wetlands mitigation, as there is no wetland or stream restoration/enhancement component. The piecemeal nature of the preserved wetlands still may be impacted from development of the adjacent uplands within the property. Further, multiple projects that were permitted in the past, which included onsite preservation, have sought out and been granted amendments or additional permits to fill the previously preserved onsite wetlands. We do not find the proposed preservation only PRM acceptable.

A new PRM must be developed to meet the SOP, one that includes a wetland and stream restoration/enhancement component. The new PRM must not "parcel" out specific areas within a wetland system for preservation (as shown in the current public notice) or enhancement. All of the wetland system must be included. Finally, the Service recommends that the PRM for the stream and wetland impacts should occur concurrent or prior to the proposed impacts taking place

Until a new PRM is developed and approved, we recommend that action by the Department on this proposed development be held in abeyance. The Service appreciates the opportunity to review and provide comments on the proposed project. If you should need further assistance, please contact Mr. Mark Caldwell at (843) 300-0426 or email: mark_caldwell@fws.gov and reference FWS Log No. 2020-CPA-0017.

Sincerely,

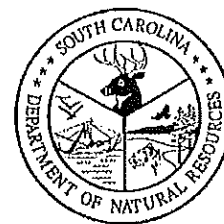

Thomas D. McCoy
Field Supervisor

TDM/MAC

Rec'd 1/13/20

South Carolina Department of Natural Resources

PO Box 12559
Charleston, SC 29422
843.953.9003 Office
843.953.9399 Fax
Daviss@dnr.sc.gov



Robert H. Boyles, Jr.
Director
Lorianne Riggan
Director, Office of
Environmental Programs

January 13, 2020

Ms. Mary Hope Green
U.S. Army Corps of Engineers
69-A Hagood Avenue
Charleston, SC 29403-5107

Re: P/N SAC-2016-01087, American Mortgage and Investment Co., Berkeley County

Dear Ms. Green:

Personnel with the South Carolina Department of Natural Resources (DNR) have reviewed the above referenced project and offer the following for your consideration.

The proposed work consists of placing fill material and performing excavation in 8.71 acres of freshwater wetlands and waters of the U. S. for construction of a residential development, associated infrastructure, utilities, and stormwater management features. As mitigation, the applicant proposes the preservation of 13.94 acres of jurisdictional wetlands, 0.23 acres of non-jurisdictional wetlands, and 670 linear feet/0.23 acre of jurisdictional tributaries within the project development. In addition, the applicant proposes the preservation of 79.13 acres of wetlands and 1,419 linear feet/0.39 acre of perennial tributaries within the adjacent PRM parcels. The project purpose as stated by the applicant is "to construct a residential development that will meet the rising housing needs in proximity to future infrastructure, civic services, and employment opportunities associated with the Town of Monck Corner."

The area proposed for impact consists of forested, palustrine wetlands located in the headwaters of Molly Branch, a tributary of the Cooper River. The areas proposed for impact consist of wetlands that are saturated to seasonally flooded and vegetated with a mixed hardwood/pine plant community. Forested wetlands such as those found on the project site provide a number of important ecological and water resource functions, including habitat for a variety of wildlife species. The predominance of woody plant communities and the abundance of snags associated with forested wetlands provide foraging, cover, and nesting habitat for birds, herptiles and mammals. Large contiguous areas of forested wetland are especially important as protective corridors for animal movements. Forested wetlands store and restrict storm waters, reducing the potential for damaging flood events and provide water quality protection for downstream systems through the retention and assimilation of upland runoff and associated pollutants. These wetland systems also provide large volumes of organic material for consumption in aquatic environments.

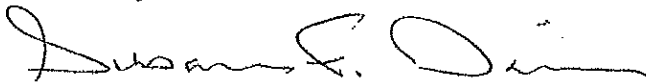
The project as proposed would result in the filling, excavation and permanent loss of a significant area of important freshwater wetlands. The Cooper River drainage basin has been significantly impacted by previous drainage and development activities, contributing to its overall

degradation. The protection of headwater wetland systems such as those found on the project site is essential in maintaining and improving water quality and wildlife habitat within the Cooper River watershed. The current development plan involves significant impacts to important headwater wetlands, including the excavation of 1.48 acres of wetlands for stormwater pond construction. The project plans include significant areas of uplands not designated for lot or pond development. Project impacts should be minimized by utilizing available site uplands to the maximum extent possible for development. A total of 14.4 acres of undisturbed wetlands are to be preserved on-site. While not appropriate as compensatory mitigation, the protection of these remaining on-site wetlands would provide important mitigation in the form of avoidance and minimization. It should be noted that this project would be eligible for a 25% reduction in required mitigation credits if the area of wetlands protected on-site is at least 3 times that of the acreage to be impacted. Contrary to statements by the applicant, the protection of wetlands off-site do not contribute to eligibility for this reduction.

As mitigation for project impacts, the applicant proposes the preservation of 79.13 acres of wetlands and 1,419 linear feet/0.39 acre of perennial tributaries within two adjacent parcels. Properties to be protected include highly fragmented, non-contiguous wetland parcels currently owned by the applicant. Given the fragmented configuration of these areas, the protection of these areas is highly questionable and the DNR does not consider this to be reasonable or adequate mitigation for project impacts. There are mitigation bank credits available within this watershed and the DNR recommends unavoidable wetland impacts be mitigated through the purchase of available credits from an approved mitigation bank. It should be noted that the applicant used the incorrect Corps SOP worksheets in calculating the required and proposed wetland credits. Using the correct worksheets, the applicant would be required to provide approximately 99.4 mitigation credits.

The DNR recommends that the project as currently proposed not be issued and the applicant considers less damaging project designs that significantly reduce wetland impacts and that an alternative mitigation strategy as outlined above is implemented. If you have any questions regarding these recommendations, please contact me at daviss@dnr.sc.gov or 843.953.9003.

Sincerely,



Susan F. Davis
Coastal Environmental Coordinator

Cc: SCDHEC/Ress
OCRM/Stout
USEPA
USFWS
NMFS

Green, Mary Hope (Mary Hope) CIV USARMY CESAC (US)

From: Jenny Brennan <jbrennan@selcsc.org>
Sent: Monday, January 13, 2020 5:20 PM
To: Green, Mary Hope (Mary Hope) CIV USARMY CESAC (US)
Cc: Chris DeScherer; Angela Kilbert; 'Jason Crowley'; 'hightocw@dhec.sc.gov'; 'Pace Wilber - NOAA Federal'; 'laycock.kelly@epa.gov'; 'williabn@dhec.sc.gov'; 'DavisS@dnr.sc.gov'
Subject: [Non-DoD Source] PN SAC 2016 01087 REVISED
Attachments: SC CCL Misty Meadows comment letter_1.13.20.pdf

Dear Ms. Green,

On behalf of the South Carolina Coastal Conservation League, please find attached comments on proposed General Permit SAC-2016-01087 REVISED. We have also sent a copy of the letter via U.S. mail.

Best regards,

Jenny Brennan

Science & Policy Associate

Coastal Resilience Initiative

Southern Environmental Law Center <Blocked<https://www.southernenvironment.org/>>

463 King Street Suite B, Charleston, SC 29403

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JAN 14 2020

SOUTHERN ENVIRONMENTAL LAW CENTER

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CHARLESTON, SC 29403-7204

Facsimile 843-414-7039

January 13, 2020

VIA E-MAIL AND U.S. MAIL

Ms. Mary Hope Green
US Army Corps of Engineers, RD
69A Hagood Avenue
Charleston, SC 29403-5107
Mary.H.Green@usace.army.mil

Re: Misty Meadows Residential Development, P/N SAC-2016-01087-REVISED

Dear Ms. Green,

The Southern Environmental Law Center ("SELC"), on behalf of the South Carolina Coastal Conservation League (the "Conservation League"), submits these comments in response to the above referenced joint public notice ("JPN") issued by the Charleston District of the U.S. Army Corps of Engineers (the "Corps") and the South Carolina Department of Health and Environmental Control ("DHEC") on December 13, 2019. The American Mortgage and Investment Company (the "Applicant") has applied to the Corps for a Section 404 permit under the Clean Water Act, 33 U.S.C. § 1344 (2010) ("CWA"), to place fill material in wetlands for the construction of a residential development, referred to as Misty Meadows, in the Town of Moncks Corner, Berkeley County. The Applicant has also applied to DHEC for a section 401 water quality certification.

The proposed Misty Meadows development would impact 8.71 acres of freshwater wetlands through fill and excavation. As described in more detail below, the proposed Misty Meadows development raises concerns regarding compliance with the CWA. The Applicant has failed to carry its burden of clearly demonstrating that no practicable alternatives exist that do not require a discharge into wetlands or other special aquatic sites pursuant to Section 404(b)(1) Guidelines under the CWA. For these and other reasons, we respectfully request that the Corps deny the permit application for this project.

1. The Project does not comply with Section 404 requirements.

The Corps' issuance of a CWA Section 404 permit requires compliance with the Section 404(b)(1) Guidelines. 33 C.F.R. § 320.4(a)(1). The Guidelines provide particular protection to wetlands, and the degradation or destruction of wetlands "is considered to be among the most severe environmental impacts covered by these Guidelines." 40 C.F.R. § 230.1(d). The Guidelines provide that no discharge of fill material may be permitted if there is a less damaging

“practicable alternative” available, or if the discharge will “cause or contribute to significant degradation” of waters of the United States. 40 C.F.R. § 230.10. In applying the practicable alternative standard, the project must have a defined “basic purpose.” *See* 40 C.F.R. § 230.10(a)(3). If the project’s basic purpose is not water dependent, as is the case here, the Corps must apply a presumption that a practicable alternative with less adverse environmental impact on the wetland is available. *Id.* The burden is on the Applicant to rebut the presumption by “clearly demonstrat[ing]” that a less damaging practicable alternative is not available. *See id.*

Under the 404(b)(1) Guidelines, the Corps must deny a Section 404 permit “if there is a practicable alternative to the proposed discharge which would have less adverse impact on the aquatic ecosystem, so long as the alternative does not have other significant adverse environmental consequences.” 40 C.F.R. § 230.10(a). An alternative to a discharge to a wetland “is practicable if it is available and capable of being done after taking into consideration cost, existing technology, and logistics in light of overall project purpose.” 40 C.F.R. § 230.10(a)(2). Where a discharge is proposed for a wetland or other special aquatic site, all practicable alternatives to the proposed discharge that do not involve a discharge to the wetland “are presumed to have less adverse impact on the aquatic ecosystem, unless clearly demonstrated otherwise.” 40 C.F.R. § 230.10(a)(3). Additionally, if the activity associated with a discharge to a wetland does not require access or proximity to or siting in a wetland to fulfill its basic purpose (*i.e.* the activity is not “water dependent”), practicable alternatives that do not involve wetland sites “are presumed to be available, unless clearly demonstrated otherwise.” 40 C.F.R. § 230.10(a)(3).

As the JPN makes clear, the basic purpose of the Misty Meadows residential development is not water dependent. The proposed project purpose is to construct a residential development, associated infrastructure, utilities, and stormwater management features. JPN at 1-2. These goals can be accomplished without requiring access or proximity to or siting in a wetland. As a non-water dependent project, the Applicant bears the burden of clearly demonstrating that the proposed project is the least environmentally damaging alternative and has failed to carry that burden.

The Guidelines require that the Corps deny a permit unless the Applicant has shown that there are no practicable alternatives with less adverse impact on the aquatic ecosystem. 40 C.F.R. § 230. The Applicant is also required to take all appropriate and practicable steps to avoid and minimize adverse impacts to waters of the United States. *See* 40 C.F.R. § 230.91(c)(2). The layout of the planned development and impacts to wetlands raise questions as to whether the Applicant conducted a sufficient alternatives analysis and whether the proposed project is the least environmentally damaging practicable alternative and complies with the 404(b)(1) Guidelines. The proposed development plan shows wetlands slated for fill and excavation while significant upland acreage would remain undeveloped, though the Applicant claims they are “focusing development in upland areas.” JPN at 2. The Applicant attempts to justify planned wetland impacts by characterizing these wetlands as “previously logged and heavily disturbed.” JPN at 2. However, this does not justify filling in these areas over viable upland areas. Given the site design, it does not appear that the Applicant has sufficiently avoided and minimized impacts to wetlands in compliance with 404(b)(1) Guidelines, and the Applicant has therefore failed to carry their burden of clearly demonstrating the proposed plan is the least

damaging practicable alternative. Thus, issuance of a permit under these circumstances would violate the CWA.¹

2. The Applicant has failed to adequately consider the potential impacts on floodwater storage in violation of Section 404(b)(1) Guidelines.

The Section 404(b)(1) Guidelines also require the consideration of impacts on the flood storage capacity of wetlands. Under the Guidelines, a possible loss value of impacting wetlands includes modifying “the capacity of wetlands to retain and store floodwaters and to serve as a buffer zone shielding upland areas from wave actions, storm damage and erosion.” 40 C.F.R. § 230.41(b). Misty Meadows proposes to destroy wetlands solely for the creation of stormwater ponds. The destruction of wetlands to make way for stormwater retention demonstrates a misunderstanding of the importance and value of the critical floodwater storage services that wetlands provide, contrary to the Section 404(b)(1) Guidelines.

The property where the Project is proposed historically operated as a rice plantation and subsequently was managed for timber and other agricultural purposes. These plantations along Old Highway 52, which lined the Cooper River, were extensively altered in the 18th and 19th century to drain low-lying wetlands to create both inland and tidal rice fields. This significant hydrological engineering resulted in extensive canals, dikes, and other channels to move and store water in this area of Berkeley County. Many of these historic agricultural hydrologic features still exist today and continue to control water not only on the historic Exeter Plantation property, but also across property lines between Lewisfield and Mulberry Plantations. By filling wetlands as described in the JPN, the proposed undertaking will permanently alter the hydrology along hundreds of acres of rural and suburban landscape along Old Highway 52. Altering this drainage pattern by filling the proposed wetlands poses a serious threat to surrounding neighbors by causing flooding, which is an increasing issue in the neighboring Barons Retreat and Berkeley Country Club Estates neighborhoods. The elimination of vital storage capacity of the Misty Meadows’ wetlands and the potential flooding risks raise significant concerns under the Section 404(b)(1) Guidelines.

3. The proposed mitigation plan is insufficient and does not satisfy Corps requirements.

Mitigation is the third and final step in the 404 process, and should therefore not be considered until avoidance and minimization have been completed and the 404 requirements are satisfied.² The Applicant has failed to adequately complete the previous steps in this process; however, the Applicant has gone ahead and proposed a plan to mitigate proposed wetland impacts. The proposed Permittee Responsible Mitigation (“PRM”) plan briefly described in the JPN is insufficient and relies on scattered, disconnected parcels to generate all of the proposed credits from preservation alone, contrary to the Mitigation Rule and Corps Guidelines for

¹ The alternatives analysis is also insufficient under South Carolina’s Clean Water Act Section 401 Water Certification program, which requires DHEC to deny certification if “there is a feasible alternative to the activity, which reduces adverse consequences on water quality and classified uses.” S.C. Code Ann. Regs. 61-101(F)(5)(b).

² Compensatory Mitigation for Losses of Aquatic Resources, Final Rule. 40 C.F.R. Part 230.

Preparing a Compensatory Mitigation Plan (“SOP”). The proposed PRM does not satisfy the Corps’ “no net loss” wetlands goal and therefore must be rejected.³

In total, the Applicant plans to generate compensatory mitigation credits by preserving 93 acres of wetlands and 0.61 acres of tributary stream, including 13.94 acres of avoided wetlands on the development site. Per the 2008 Compensatory Mitigation Rule, any wetlands mitigation completed through preservation must meet the preservation criteria listed below:

- (i) The resources to be preserved provide important physical, chemical, or biological functions for the watershed;
- (ii) The resources to be preserved contribute significantly to the ecological sustainability of the watershed. In determining the contribution of those resources to the ecological sustainability of the watershed, the district engineer must use appropriate quantitative assessment tools, where available;
- (iii) Preservation is determined by the district engineer to be appropriate and practicable;
- (iv) The resources are under threat of destruction or adverse modifications; and
- (v) The preserved site will be permanently protected through an appropriate real estate or other legal instrument (e.g., easement, title transfer to state resource agency or land trust).

33 C.F.R. § 332.3(h).

The Applicant’s proposal falls short of these criteria in several respects. First, because a portion of the resources included in the mitigation plan have already been avoided on the development site, these wetlands are not under threat of destruction or modification. The remaining PRM parcels are not contiguous, and appear to be wetland holdings that the Applicant cannot sell or easily develop, which indicates that these parcels are also not under threat of destruction. Second, the scattered layout of this PRM calls into question how it would significantly contribute to the ecologic sustainability of the watershed. The land surrounding the PRM parcels will not be preserved and will remain open to development, which would degrade and further fragment the proposed PRM wetlands system. Third, based on maps provided in the application materials, stormwater runoff ponds will directly abut wetlands that the Applicant intends to use for preservation credits. Proximity to the stormwater ponds and associated development will affect the wetlands’ biologic and ecologic functions, making them ineligible to generate compensatory mitigation credits. Fourth, the JPN also does not describe the chosen preservation mechanism nor list an easement holder as required by the SOP. For these reasons, the Applicant’s proposal for wetlands preservation does not qualify for credit generation.

Further, the proposal to preserve the 13.94 acres of remaining aquatic resources on-site “does not offset adverse impacts to other aquatic resources and normally will not meet the preservation criteria identified in the Mitigation Rule.”⁴ Preservation of avoided wetlands alone

³ 1990 Memorandum of Agreement Between The Department of the Army and The Environmental Protection Agency. The Determination of Mitigation Under the Clean Water Act Section 404(b)(1) Guidelines. Accessed at <https://www.epa.gov/cwa-404/memorandum-agreement>.

⁴ SOP, page 10.

does not qualify as adequate mitigation according to the Corps Guidelines for Preparing a Compensatory Mitigation Plan (“SOP”). Section 5.2.1 of the SOP states:

With the possible exception of outstanding aquatic resources that are important on a watershed scale, the preservation of buffer zones, riparian areas, and the remaining aquatic resources on the project site *does not* [emphasis added] meet the preservation criteria identified in the Mitigation Rule (33 CFR 332.3(h)). Therefore, the preservation of these areas does not generate compensatory mitigation credits to offset adverse impacts to aquatic resources.

When removing a wetland and its valuable functions from a watershed, an applicant must proportionately offset that impact to ensure the continued health of the watershed. While the wetlands that were avoided on-site provide functional value to the watershed, their continued presence does not make up for the loss of wetlands elsewhere on the property.

Even if these parcels satisfied the preservation criteria, the Corps SOP requires that greater than 50 percent of credits in a mitigation plan must come from restoration and enhancement.⁵ However, this PRM proposes to generate credits solely through preservation. The Mitigation Rule places priority on restoration because “the likelihood of success is greater . . . and the potential gains in terms of aquatic resource functions are greater, compared to enhancement and preservation.” 33 C.F.R. § 332.3(a)(2). The significant deficiencies in this PRM underscore the deficient nature of this overall application.

4. The Applicant failed to adequately disclose and consider historic and cultural impacts.

This Project raises serious concerns under Section 106 of the National Historic Preservation Act (“NHPA”) of 1966. Section 106 directs federal agencies to consider the impacts associated with federal undertakings on historic properties, and establishes a formal process whereby interested parties – including the Advisory Council on Historic Preservation (“ACHP”), State Historic Preservation Offices (“SHPOs”), and Tribal Historic Preservation Offices (“THPOs”) – may consult with agencies on those proposed impacts. The Public Notice for this Project states that the District Engineer has consulted South Carolina ArchSite (GIS) for the presence or absence of historic properties, as defined in 36 C.F.R. § 800.16(l)(1), and has initially determined that no historic properties are present; therefore, there will be no effect on historic properties.

The Project is located on the former historic Exeter Plantation, one of several plantations located along the western bank of the western branch of the Cooper River that were part of Fairlawn Barony, an original land grant dating to 1678. Fairlawn Barony originally contained six plantations, with Stoney Landing Plantation to the north and Mulberry Plantation to the south. Exeter was located between Mulberry and Lewisfield Plantations. Lewisfield Plantation is listed on the National Register of Historic Places and Mulberry Plantation is a designated National Historic Landmark.

⁵ SOP, Appendix C, page 1.

The original Exeter Plantation house burned in the mid-20th century and portions of the property have since been developed, however, there is still evidence of both historic inland and tidal rice fields on the site today. Exeter Plantation, like Mulberry and Lewisfield, was a rice plantation with both inland and tidal rice fields. The tidal rice fields are still evident along the banks of the Cooper River. Archeological investigation is needed to further document the former inland rice fields and better understand the 19th century hydrological engineering that took place on Exeter Plantation to move water throughout the property.

The proposed activities for the Project will immediately border the property line of Mulberry Plantation, posing both direct and indirect impacts to a designated National Historic Landmark. The entrance to Mulberry Plantation with its historic front gate located on Old US 52 features a rural and bucolic approach to the historic plantation house. The Project proposes to construct over 160 residential dwellings on the property line of Mulberry Plantation. This will permanently alter the character of this National Historic Landmark.

Section 106 review in coordination with agencies and other interested parties can better “inform the development and analysis of alternatives and the assessment and resolution of effects” on historic properties.⁶ Prior to the issuance of any permits, the agency shall identify consulting parties, identify historic and cultural resources and assess the effects of the undertaking on the property, consult regarding the effects of the undertaking with the SHPO, and develop in consultation with identified consulting parties alternatives and proposed measures that might avoid, minimize or mitigate any adverse effects of the undertaking and describe them in an Environmental Assessment (“EA”) or Draft Environmental Impact Statement (“DEIS”). Given the historical significance of this area, we urge the Applicant, Corps, and others to ensure compliance with these requirements.

We appreciate the opportunity to submit these comments on the proposed Misty Meadows development. For the foregoing reasons, we respectfully request that the Corps deny the permit application for this project.

Sincerely,



Christopher K. DeScherer
Managing Attorney

CC (via email only): Chuck Hightower, DHEC Jason Crowley, CCL
Blair Williams, DHEC Kelly Laycock, EPA Region 4
Pace Wilber, NMFS
Susan Davis, SCDNR

⁶ Council on Environmental Quality & Advisory Council on Historic Preservation, NEPA and NHPA: A Handbook for Integrating NEPA and Section 106 (“NEPA and NHPA Handbook”), at 7 (2013).

Green, Mary Hope (Mary Hope) CIV USARMY CESAC (US)

From: Hastie, Winslow <whastie@historiccharleston.org>
Sent: Monday, January 13, 2020 4:29 PM
To: Green, Mary Hope (Mary Hope) CIV USARMY CESAC (US)
Cc: Pemberton, Katherine
Subject: [Non-DoD Source] Exeter Plantation comment letter from HCF
Attachments: Exeter Plantation 1.13.20.pdf

Dear Ms. Green, please see the attached comment letter on the proposed project at Exeter Plantation (P/N SAC-2016-01087).

Best, Winslow

<Blocked<http://www.historiccharleston.org/>>

Winslow W. Hastie

President & CEO

whastie@historiccharleston.org <<mailto:whastie@historiccharleston.org>>

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HISTORIC CHARLESTON
FOUNDATION

January 13, 2020

VIA E-MAIL MARY.H.GREEN@USACE.ARMY.MIL

Mary Hope Green, Project Manager
U. S. Army Corps of Engineers
ATTN: Regulatory Division
69 A Hagood Avenue
Charleston, SC 29403

Re: P/N SAC-2016-01087

Dear Ms. Green,

Through this letter Historic Charleston Foundation (HCF) seeks to provide comment and objection to the above-referenced permit application that is currently under review by the US Army Corps of Engineers, Charleston District (USACE) and the South Carolina Department of Health and Environmental Control (DHEC).

The project described in the permit application would directly impact 8.71 acres of land as well as land owned by the applicant proposed as Permittee Responsible Mitigation (PRM) to include placement of fill material and excavation of freshwater wetlands and waters for the construction of a residential development, associated utilities, infrastructure and storm water management features. The proposed residential development consisting of 169 single family lots was historically part of Exeter Plantation. Additionally, the proposed development would be located adjacent to the northern boundary line of North Mulberry Plantation, on which HCF holds a conservation easement. HCF believes that the proposed development would seriously negatively impact these plantation complexes and the historic Cooper River corridor as a whole.

Exeter Plantation was established around 1720 on land owned by the Colleton Family, and the house was built by Hugh Butler c. 1726. The house and lands (988 acres) remained in the Colleton, Broughton and Motte families until the early 20th century. The early 18th century house, built in the shape of an H, was tragically lost to fire in 1967. Today, all that remains of Exeter Plantation above ground are the oak allee and the family cemetery located on the fairway of the Berkeley Country Club. The tombstones date from 1864 to 1890. However, as is the case with similar complexes, there may be a high degree of archaeological potential remaining on these parcels.

The plantation complex to the south of Exeter is even more significant to the history of this region and the state. Built between 1711 and 1714, Mulberry is the oldest exposed brick manor house to survive in the Carolinas or Georgia. Colonel Thomas Broughton, a prominent planter and fur trader who later served as Lieutenant Governor and Governor of the Royal government acquired more

Kimberly A. Mason
1210 McCrae Drive
Moncks Corner, SC 29461

PA

JAN 15 2020

1/10/2020

U.S. Army Corps of Engineers
ATTN: Regulatory Division
69A Hagood Avenue
Charleston, SC

To Whom It May Concern:

We have recently been made aware of American Mortgage and Investment Company's intent to develop a remaining portion of the Exeter Planation, called Misty Meadows.

Any efforts to block or hinder the natural flows of rains through construction of large developments immediately adjacent to our division could have a very detrimental effect on areas with my subdivision, Berkeley Country Club Estates. We are located directly adjacent to the proposed Misty Meadows development and in potential flood plains. From what we understand, the development of our subdivision was originally allowed due to the mitigation factors in place from adjacent wetlands.

Because this is such an important issue for us and our neighborhoods, we request that public hearings be scheduled so that our concerns can be heard and resolved.

Sincerely,



CC: Rep. Sylleste Davis, Senator Larry Grooms, Councilman Jack Schurknight

Brian E. Mason
1210 McCrae Drive
Moncks Corner, SC 29461

PH

JAN 15 2020

1/10/2020

U.S. Army Corps of Engineers
ATTN: Regulatory Division
69A Hagood Avenue
Charleston, SC

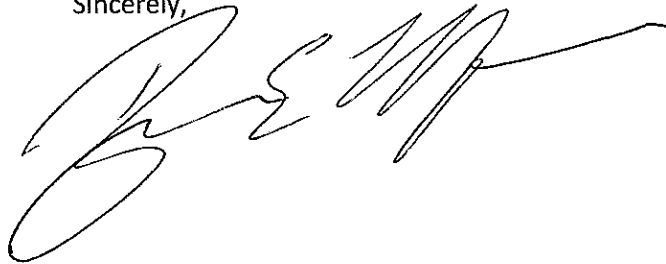
To Whom It May Concern:

We have recently been made aware of American Mortgage and Investment Company's intent to develop a remaining portion of the Exeter Planation. Exeter Plantation is located in Berkeley County, along rice fields and the Cooper River corridor, between North Mulberry Planation and Lewisfield Planation. AMIC calls the proposed residential development Misty Meadows.

Our terrain is very low in relationship to water levels. Any efforts to block or hinder the natural flows of rains could have a very detrimental effect on areas with my subdivision, Berkeley Country Club Estates. We are located directly adjacent to the proposed Misty Meadows development.

Because this is such an important issue for us and our neighborhoods, we request that public hearings be scheduled so that our concerns can be heard and resolved.

Sincerely,



CC: Rep. Sylleste Davis, Senator Larry Grooms, Councilman Jack Schurlknight

January 12, 2020

US Army Corps of Engineers
Attn: Regulatory Division
69A Hagood Ave.
Charleston, SC 29403

Re: American Mortgage and Investment Corp. – Misty Meadows Residential
Development Permitting Request (Berkeley County)

This letter is sent in objection to the proposed development listed above.

The Post & Courier has articles almost daily about the damages brought about by “fill and build” construction by residential developers. This proposal is just one more in a too-long list of short-sighted developments. Even in those locations where a popular community is considered a successful build, such as Cane Bay, a heavy rainfall is disastrous for residents and the surrounding area.

This property, which was once a part of Exeter Plantation, is already low. It is covered with vegetation which does not grow in soils that dry out regularly. The proposal does not adequately address anything related to rainfall absorption/flood avoidance, and in fact shows home sites and roadways built into existing wetlands. The token efforts to show a mitigation of runoff have non-contiguous segments shown as retention areas. This is without mentioning that the entire tract will be stripped of the porous layers of topsoil, which will be replaced with compacted fill – which only exacerbates the runoff/flooding problem.

Shadowmoss, Bridge Pointe, Pepperhill, Cane Bay, Willow Walk and the entire downtown hospital zone are all repeated victims of poor planning. The only proper course of action for the Misty Meadows application is the same action that was finally taken on another guaranteed disaster – the Harmony subdivision near Glenn McConnell Parkway. This proposal should be denied.

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